

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY

POPULAR OAKS, INC.

Civil Action 2:14-cv-07901-SDW-SCM

Plaintiff

Vs.

:

Civil Action

:

JOHN DOE

Defendant

:

**NOTICE OF MOTION TO QUASH  
SUBPOENA AND VACATE ORDER  
GRANTING DISCOVERY AND  
DISMISS PURSUANT TO FED. R. CIV.  
P. 45(c)(3)(A)**

:

**TO:** Flynn, Wirkus Young, PC  
2424 East York Street, Ste 316  
Philadelphia, PA 19125  
Attorney for Plaintiff, Popular Oaks, Inc.

Via Certified RRR and Regular Mail and Email

Comcast Cable Holdings, LLC  
c/o CT Corporation  
820 Bear Tavern Road, Ste 305  
West Trenton, NJ 08628

Via Fax (866-947-5587) and Regular Mail

**PLEASE TAKE NOTICE** that on \_\_\_\_\_, at \_\_\_\_ o'clock in the morning, or soon thereafter as counsel may be heard, the undersigned attorneys for defendant, JOHN DOE, shall move before the Honorable \_\_\_\_\_, District Court of New Jersey, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Room 2020, Trenton, NJ 08608m, for an order vacating the Order for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference which was entered on January 5, 2015 and quashing the records and deposition testimony subpoena *duces*

*tecum* issued on February 18, 2015 and dismiss Plaintiff's complaint in its entirety.

**PLEASE TAKE FURTHER NOTICE** that the defendant shall rely upon the accompanying memorandum of law in support of motion.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of order accompanies this motion.

**PLEASE TAKE FURTHER NOTICE** that oral argument is not requested unless opposition is timely filed.

Dated: March 11, 2015

Andrea Silverman, PC

/s/ Andrea Silverman  
Andrea Silverman, Esq.  
Attorney for Defendant

**CERTIFICATION OF SERVICE**

Andrea Silverman, Esq., of full age, deposes and says:

1. I am the attorney for Defendant, John Doe, herein.

2 On March 12, 2015 the within Notice of Motion, Memorandum of Law in support of Motion to Vacate Order and Quash Supoena and Dismiss and proposed form of Order were sent by regular and certified mail to:

Flynn Wirkus Young, PC  
2424 East York Street, Ste 316  
Philadelphia, PA 19125

VIA FAX, RRR AND REGULAR MAIL

Comcast Cable Holdings, LLC  
c/o CT Corporation  
820 Bear Tavern Road, Ste 305  
West Trenton, NJ 08628

I hereby certify that the foregoing statements made by me are true. I understand that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 12, 2015

ANDREA SILVERMAN, PC

BY:/s/ Andrea Silverman  
ANDREA SILVERMAN  
ATTORNEY FOR DEFENDANT